IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

TUESDAY, THE 18TH DECEMBER 2007 / 27TH AGRAHAYANA 1929

Crl.Rev.Pet.No. 4588 of 2007()

CRA.200/2002 of ADDL.SESSIONS COURT,-I, MAVELIKKARA
CC.6/2000 of JUDL.MAGISTRATE OF FIRST CLASS-I, CHENGANNUR

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REVN. PETITIONER/APPELLANT/ACCUSED:

SAJI,
MUNDAKKAL VADAKKETHIL,
CHERIYANNADU,
CHENGANOOR.

BY ADV. SRI.RINNY STEPHEN CHAMAPARAMPIL
SMT.ASHA ELIZABETH MATHEW

RESPONDENTS/STATE, COMPLAINANT & HIS LEAGAL HEIRS:

1. STATE OF KERALA,
   REP. BY PUBLIC PROSECUTOR,
   HIGH COURT OF KERALA, ERNAKULAM.

2. K.M. VISWAMBARAN (DIED)
   KOYITHARAYIL LAKSHMI NIVAS,
   ALA VILLAGE,
   CHENGANOOR THALUK.

3. SHARADA DEVI KUNJAMMA,
   W/O. LATE K.M. VISWAMBARAN,
   -DO- -DO-

4. SREEVIDYADEVI KUNJAMMA (MINOR),
   D/O. LATE K.M. VISWAMBARAN,
   -DO- -DO-
   REP. BY HER MOTHER, THE 3RD RESPONDENT.

5. SARANYADEVI KUNJAMMA (MINOR)
   D/O. LATE K.M. VISWAMBARAN,
   -DO- -DO-
   REP. BY HER MOTHER, THE 3RD RESPONDENT.

6. SHARIKA (MINOR),
D/O. LATE K.M. VISWAMBARAN,
-DO- -DO-
REP. BY HER MOTHER, THE 3RD RESPONDENT.

BY ADV. SRI.K.S.MOHAMED HASHIM
SRI. K.S. SIVAKUMAR, PUBLIC PROSECUTOR

THIS CRIMINAL REVISION PETITION HAVING COME UP FOR ADMISSION ON 18/12/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

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Crl.R.P. No. 4588 of 2007

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Dated this the 18th day of December, 2007

ORDER

The accused in C.C. No.6 of 2000 on the file of the Judicial First Class Magistrate-I, Chengannur for an offence punishable under Section 138 of the Negotiable Instruments Act, 1881, challenges the conviction entered and the sentence passed against him concurrently by the courts below.

2. Pending this revision, the parties have settled the matter. Crl.M.A.No. 13579 of 2007 has been filed under Section 147 of the Negotiable Instruments Act, 1881 seeking permission to record the composition. The learned counsel appearing for the legal representatives of the deceased complainant has submitted that the matter has been settled between them and the accused. They are permitted to compound the offence and the composition is recorded and it will have the effect of an acquittal of the accused of the offence punishable under Section 138 of the Negotiable Instruments Act in veiw of Sec. 320 (8) Cr.P.C.

This Crl. R.P. is disposed of as above.

V. RAMKUMAR,JUDGE.

rv

V. RAMKUMAR, J.

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Crl.R.P. No.

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Dated this the day of October, 2007

ORDER

The accused in C.C. / ST. No.....on th**e file** of the J.F.C.M, for an offence punishable under Section 138 of the Negotiable Instruments Act, 1881, challenges the conviction entered and the sentence passed against him concurrently by the courts below.

2. Pending this revision, the parties have settled the matter. Crl.M.A.No. of 2007 has been filed under Section 147 of the Negotiable Instruments Act, 1881 seeking permission to record the composition entered into between the revision petitioner and the complainant. The said petition has been signed by both the revision petitioner as well as the complainant and their respective counsels. In the light of this development, the aforementioned composition is recorded and it will have the effect of an acquittal of the revision petitioner within the meaning of Sec. 320 (8) Cr.P.C. Money, if any, deposited by the revision petitioner pursuant to the orders, if any, passed by the

lower appellate court shall be refunded to the revision petitioner/accused.

This Crl. R.P. is disposed of as above.

V. RAMKUMAR, JUDGE

rv